

Advisory Opinion

IECDB AO 2008-14

August 28, 2008

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on campaign signs. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

In IECDB Advisory Opinion 2007-07, the Board issued an opinion on the permitted and prohibited placement of campaign signs. Subsequently, Iowa Code section 68A.406 was amended by 2008 Iowa Acts, House File 2700, section 118. The Board issues this updated opinion concerning the placement of campaign signs.

A. Campaign signs for candidates:

Permitted locations with the permission of the property owner or lessee:

1. Residential property.
2. Agricultural land belonging to a family farm operation as defined in Iowa Code section 9H.1.
3. Property leased for residential purposes including, but not limited to, apartments, condominiums, college housing facilities, and houses. However, signs may only be placed on the portion of the leased property space that is actually occupied.
4. Vacant lots owned by a person who is not a prohibited contributor.
5. Property belonging to any business, association, or organization that is not a corporation, financial institution, or insurance company.
6. Property leased by a candidate, campaign committee, or an organization established to advocate the nomination, election or defeat of a candidate when the property is used as campaign headquarters or office and the placement of the sign is limited to the space that is actually leased.

7. Property owned by the state, county, city, or other political subdivision if the property is made open and available to any person from the public to lawfully place any type of sign.

Prohibited locations for candidate campaign signs:

1. On any property without the permission of the property owner or lessee.
2. Property owned by the state or the governing body of a county, city, or other political subdivision of the state including all property considered the public right-of-way unless the property is made open and available to any individual or group from the public to lawfully place any type of sign.
3. Property owned, leased, or occupied by a corporation, financial institution, or insurance company except when leased as campaign headquarters or a campaign office and the placement of the sign is limited to the space that is actually leased.

B. Campaign signs for ballot issues:

Permitted locations with the permission of the property owner or lessee:

1. Property belonging to any individual, corporation, financial institution, insurance company, business, association, organization, or other person.

Prohibited locations for ballot issue campaign signs:

1. On any property without the permission of the property owner or lessee.
2. Property owned by the state or the governing body of a county, city, or other political subdivision of the state including all property considered the public right-of-way unless the property is made open and available to any individual or group from the public to lawfully place any type of sign.

C. Campaign signs on Election Day:

Except on private property, campaign signs for candidates or ballot issues shall not be placed on the following on Election Day:

1. The premises of any polling place or within 300 feet of an outside door affording access to any room where the polls are held or to any hallway, corridor, stairway, or other means of reaching the room where the polls are held.
2. On any motor vehicle, trailer, semitrailer, or any attachment to the preceding, if the vehicle, trailer, or semitrailer is parked on public property within 300 feet of an outside door affording access to a polling place and the sign is more than 90 square inches in size.

D. Absentee/Satellite voting sites:

Except on private property, campaign signs for candidates or ballot issues shall not be placed on the following:

1. The premises or within 300 feet of an outside door affording access to an absentee voting site during the hours when absentee ballots are available in the office of the county commissioner of elections as provided in Iowa Code section 53.10.
2. The premises or within 300 feet of an outside door affording access to a satellite voting station during the hours when satellite voting is available at the satellite voting station as provided in Iowa Code section 53.11.
3. On any motor vehicle, trailer, semitrailer, or any attachment to the preceding, if the vehicle, trailer, or semitrailer is parked on public property within 300 feet of an outside door affording access to an absentee voting site during the hours when absentee ballots are available in the office of the county commissioner of elections and the sign is more than 90 square inches in size.
4. On any motor vehicle, trailer, semitrailer, or any attachment to the preceding, if the vehicle, trailer, or semitrailer is parked on public property within 300 feet of an outside door affording access to a satellite voting station during the hours when satellite voting is available and the sign is more than 90 square inches in size.

This opinion applies solely to campaign signs for state and local campaigns as the Board does not have jurisdiction over federal candidates.

IECDB Advisory Opinion 2007-07 is hereby modified.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel